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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
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9 United States of America,  
10  
11 Plaintiff,

No. CR-15-01521-PHX-DLR  
**DETENTION ORDER**

11 v.

12 Evelyn Nayelly Garcia,  
13 Defendant.  
14

15 On July 27, 2016, Evelyn Nayelly Garcia (the “Defendant”) appeared before this  
16 Court on a Petition to Revoke Conditions of Release and submitted the issue to the Court.  
17 The Court considered the information provided to the Court in determining whether the  
18 Defendant should be released on conditions set by the Court.

19 The Court makes the following findings under 18 U.S.C. § 3148(b)(1):

- 20 ☐ There is probable cause to believe that the Defendant has committed a  
21 Federal, State, or local crime while on release.  
22 ☒ There is clear and convincing evidence that the Defendant has  
23 violated the conditions of release.

24 The Court makes the following findings under 18 U.S.C. § 3148(b)(2):

- 25 ☐ Rebuttable Presumption where Probable Cause to Believe Felony  
26 Committed on Pretrial Release. The Defendant has failed to rebut the  
27 presumption that no condition or combination of conditions will  
28 assure that the Defendant will not pose a danger to the safety of any  
other person or the community. See 18 U.S.C. § 3148(b)(2)

1 (providing that rebuttable presumption of dangerousness applies if  
2 there is probable cause to believe that while on release a defendant  
3 has committed a Federal, State, or local felony).

4 ☒ Flight Risk. After considering the factors set forth in 18 U.S.C. §  
5 3142(g), the Court finds by a preponderance of the evidence that there  
6 is no condition or combination of conditions of release that will assure  
7 that the Defendant will not flee. *See* 18 U.S.C. § 3148(b)(2)(A); *U.S.*  
8 *v. Gotti*, 794 F.2d 773, 778 (2nd Cir. 1986) (holding that “findings  
9 made under section 3148(b) may be established by a preponderance of  
10 the evidence”).

11 ☐ Dangerousness. After considering the factors set forth in 18 U.S.C. §  
12 3142(g), the Court finds by a preponderance of the evidence that there  
13 is no condition or combination of conditions of release that will assure  
14 that the Defendant will not pose a danger to the safety of any other  
15 person or the community. *See* 18 U.S.C. § 3148(b)(2)(A); *Gotti*, 794  
16 F.2d at 778.

17 ☒ Compliance with Conditions. The Court finds by a preponderance of  
18 the evidence that the Defendant is unlikely to abide by any condition  
19 or combination of conditions of release. *See* 18 U.S.C. §  
20 3148(b)(2)(B); *Gotti*, 794 F.2d at 778.

21 **IT IS THEREFORE ORDERED** that the Defendant be detained pending further  
22 proceedings.

23 Dated this 28th day of July, 2016.

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25 Honorable Eileen S. Willett  
26 United States Magistrate Judge  
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